IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

C.W.P. No. 6266 of 2007

Date of Decision: 11.12.2007

Rampal

…Petitioner

Versus

Haryana Financial Corporation and another

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Paramjeet S. Dhaliwal, Advocate,
for the petitioner.

Mr. Kamal Sehgal, Advocate,
for the respondents.

JUDGMENT

M.M. KUMAR, J.

The prayer made by the petitioner in the instant petition filed under Article 226 of the Constitution is for quashing auction notice dated 2.4.2007 (P-1), seeking to auction the property belonging to the petitioner. In pursuance to the advertisement, a notice dated 4.4.2007 (P-2) was issued to one Shri Wazir Chand with a copy to the petitioner alongwith others. It is admitted position that the mortgaged property i.e. three shops on land measuring 64.54 sq. yds. comprised in Khasra No. 957 and Municipal Committee No. 1208-A/1209,

Block No. 4, Jagdamba Road, Mansa, belonging to the petitioner is sought to be auctioned. It is also undisputed that no notice has been sent to the petitioner but only a copy of the notice was sent to him for information. Therefore, the petitioner was not in a position to participate in the auction on the basis that he was owner of the property.

After hearing learned counsel for the parties and in view of the admitted position, notices dated 2.4.2007 and 4.4.2007 (P-1 & P-2 respectively) are set aside with liberty to respondent No. 2 to proceed in accordance with law by issuing fresh notice to the petitioner, if the property belonging to him is to be auctioned.

The writ petition stands disposed of in the above terms.

(M.M. KUMAR)
JUDGE

(RAKESH KUMAR JAIN)
JUDGE

December 11, 2007
Pkapoor